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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,117	05/17/2002	Ronald C Stefaneck	SFK 20002 US	7799

7590 04/15/2004
Erik J Overberger
Fay Sharpe Fagan Minnich & Mckee
1100 Superior Avenue Seventh floor
Cleveland, OH 44114-2518

EXAMINER

GOETZ, JOHN S

ART UNIT	PAPER NUMBER
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3725

9

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,177

Applicant(s)

VV

Examiner

John S. Goetz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004. corrected 5/12/04
AMO
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-9,11-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5,7-9,18,19,21-24 and 29 is/are allowed.
- 6) ☒ Claim(s) 11-13, 15, 17, 25- 28 is/are rejected.
- 7) ☒ Claim(s) 14 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment has been received and entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. This action contains newly cited prior art and is not made final. Inconvenience to the applicant is regretted.

Claim Rejections - 35 USC § 102

4. Claims 11-13, 15 and 28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Arakawa (JP 06-190458 A). Arakawa discloses a hemming device comprising:
 - i. an anvil (14) with a supporting surface and a sloped side (see Fig. 4);
 - ii. an upper body (12);
 - iii. a hem blade (24) that is pivotally movable about a single pivot point (21) between first and second operative positions;
 - iv. wherein the hem blade has a first pre-hemming angled surface (24a) and a second angled surface (24b);
 - v. a biasing means that is a spring (25).

Claim Rejections - 35 USC § 103

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arakawa in view of Official Notice. It is noted that applicant has not traversed the examiner's assertion of that use of adhesive in order to improve flexibility, bonding durability and rust prevention is common

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knowledge and well known in the art. As a result these limitations are taken as admitted prior art. See MPEP § 2144.03 (C). Thus claim 17 is rejected for the reasons stated in the prior Office action.

6. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirabayashi in view of Arakawa. Hirabayashi discloses angled pre-hemming and hemming surfaces on the hemming die that form an angle of less than 180° on the working surface (see Figs. 8 and 9). Arakawa discloses the moving of a hemming die angularly as a result of the pivoting action (Figs. 2 and 4). Additionally, Arakawa discloses that such a die supporting mechanism provides a simple structure that allows for the continuous performance of the pre-hemming and hemming action without buckling or deformation of the work. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Hirabayashi's hemming die, with Arakawa's pivoting mechanisms in order to achieve the continuous performance of the pre-hemming and hemming action without buckling or deformation of the work, as suggested by Arakawa.

7. The die motions of claims 26 and 27 are inherent in the Arakawa pivoting apparatus.

Allowable Subject Matter

8. Claims 1, 3, 4, 5, 7, 8, 9, 18, 19, 21-24 and 29 are allowed.

9. Claims 14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

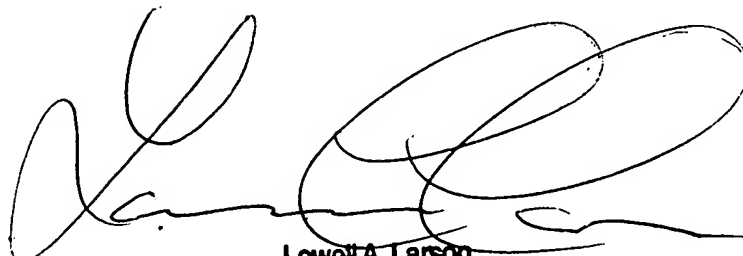
11. Applicant's arguments with respect to claims 11-13, 15, 17, and 25-28 have been considered but are moot in view of the new grounds of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Goetz whose telephone number is 703-308-1411. The examiner can normally be reached on Mon, Tues, Thurs, Fri 7:00am-5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on 703-308-3136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3136.

JSG



Lowell A. Larson
Primary Examiner